

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SPENCER MEYER, individually and on behalf of
those similarly situated,

Plaintiffs,

-against-

TRAVIS KALANICK and UBER
TECHNOLOGIES, INC.

Defendants.

1:15 Civ. 9796 (JSR)

ECF Case

**NOTICE OF MOTION AND MOTION FOR RELIEF
RELATED TO THE ERGO INVESTIGATION**

PLEASE TAKE NOTICE THAT, pursuant to this Court's Order dated June 21, 2016 (Dkt. No. 93), Plaintiff Spencer Meyer moves this Court, before the Honorable Jed S. Rakoff, courtroom 14B, 500 Pearl St., New York, NY 10007, for an order against Travis Kalanick and Uber Technologies, Inc. (collectively, "Defendants"), as well as Global Precision Research LLC d/b/a Ergo ("Ergo"), granting the relief described below, with response papers to be filed by July 6, reply papers to be filed by July 8, and oral argument to be held on July 14 at 3:30 P.M. Plaintiff's motion is based upon this Notice of Motion, the Memorandum of Law offered in support thereof, the supporting declaration of Brian M. Feldman, the supporting declaration of James H. Smith and all exhibits attached thereto, all documents in the Court's file, any matters of which the Court may take judicial notice, and any evidence or argument presented in this matter.

Pursuant to the Court's inherent powers, Federal Rule of Civil Procedure 37, and the All Writs Act, 28 U.S.C. § 1651(a), Plaintiff seeks the following relief: (1) an order prohibiting Defendants from using any of the information obtained through Ergo's investigation in any manner, including by presenting arguments or seeking discovery concerning the same; (2) an order enjoining Defendants and Ergo from undertaking any further personal background

investigations of individuals involved in this litigation through the use of false pretenses, unlicensed investigators, illegal secret recordings, or other unlawful means; (3) an order for monetary sanctions, including Plaintiff's attorneys' fees and costs related to the investigation of Plaintiff by Ergo; and (4) any other relief the Court deems just and proper, including against Ergo.

Dated: New York, New York
June 29, 2016

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CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2016, I filed and therefore caused the foregoing document to be served via e-mail and the CM/ECF system in the United States District Court for the Southern District of New York on all parties registered for CM/ECF in the above-captioned matter:

/s/ James H. Smith

James H. Smith